

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W.R. GRACE & CO., <i>et al.</i> ,)	Case No. 01-1139 (JKF)
)	Jointly Administered
Debtors.)	
)	Objection Date: November 9, 2007 @ 4:00 p.m.
)	Hearing Date: November 26, 2007 @ 2:00 p.m.

**MOTION FOR AN ORDER PURSUANT TO SECTION 107(b) OF THE
BANKRUPTCY CODE, RULE 9018 OF THE FEDERAL RULES OF BANKRUPTCY
PROCEDURE, AND LOCAL RULE 9018-1(b) AUTHORIZING THE OFFICIAL
COMMITTEE OF ASBESTOS PERSONAL INJURY CLAIMANTS, AND
DIRECTING THE CLERK OF THE COURT, TO FILE UNDER SEAL THE
UNREDACTED VERSIONS OF THE EXPERT REBUTTAL REPORTS OF DR.
MARK PETERSON AND STEPHEN M. SNYDER**

The Official Committee of Asbestos Personal Injury Claimants (the “ACC”) (the “Movant”), by and through their undersigned counsel, hereby moves (the “Motion”) for the entry of an order pursuant to Section 107(b) of Title 11 of the United States Code (the “Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9018-1(b) of the Local Rules of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) authorizing the Movant, and directing the Clerk of the Court, to file under seal the unredacted versions of the Expert Rebuttal Reports of Dr. Mark Peterson and Stephen M. Snyder (the “Reports”). In support of this Motion, the Movant respectfully represents as follows:

JURISDICTION

1. The Court has jurisdiction over these proceedings, the parties and property affected thereby, and the Motion, pursuant to 28 U.S.C. §§157(b) and 1334. Venue is before this Court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. §157(b). The statutory predicates for the relief requested in the Motion are Section

107(b) of the Bankruptcy Code, Rule 9018 of the Bankruptcy Rules, and Rule 9018-1(b) of the Local Rules.

BACKGROUND

2. On or about April 2, 2001, W.R. Grace & Co. and certain of its affiliates (the “Debtors”) filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code with the Clerk of this Court. The Debtors continue to be in possession of their respective properties and are operating and managing their respective businesses and assets, as debtors–in–possession, pursuant to Sections 1107 and 1108 of the Bankruptcy Code. The proceedings are being jointly administered, for procedural purposes, pursuant to an Order of this Court.

3. No Trustee or examiner has been appointed in the Debtors’ chapter 11 cases. On April 13, 2001, the Office of the United States Trustee appointed the Official Committee of Unsecured Creditors, the Official Committee of Asbestos Property Damage Claimants, and the Official Committee of Asbestos Personal Injury Claimants pursuant to Section 1102(a)(1) of the Bankruptcy Code. On May 24, 2004, this Court signed an Order appointing David T. Austern as the Legal Representative For Future Asbestos Personal Injury Claimants.

4. The Movant is seeking to file the unredacted versions of the Reports under seal. This Motion is filed pursuant to the Modified Order Establishing the Non-Waiver of Privileges Contained in Answers to the Debtors' Interrogatories and the Sealing and Confidentiality of Such Answers (the “Modified Order”)(D.I. 16259). Excerpts from the Modified Order are as follows:

The Debtors and all participants in this discovery shall maintain the answers in the manner required pursuant to 11 U.S.C. § 107(b) for the papers filed under seal with the Court and such answers when served shall be considered under seal in accordance with such statute. Any and all information provided to the Debtors in response to the Third Set of Interrogatories

must be maintained in the strictest confidence and not disclosed to any entity or individual not expressly authorized under this Order. If a Debtor or another party in interest finds it necessary to refer to any specific information, said party shall first apply to the Court for appropriate instructions, and/or notice and hearing if there is opposition to redacted information being used.

5. To comply with the provisions of the Modified Order, the Movant respectfully requests that this Court enter an order permitting the filing of the unredacted versions of the Reports under seal, as certain portions of the Reports include information protected by the Modified Order. Redacted version of the Reports have been, or will shortly be, filed that do not disclose the protected information.

RELIEF REQUESTED

6. By this Motion, the Movant requests authority to file the unredacted versions of the Reports under seal for *in camera* review by this Court.

7. In pertinent part, Section 107(b) of the Bankruptcy Code provides:

(b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy court may--

(1) protect an entity with respect to a trade secret or confidential research development, or commercial information;

8. Similarly, Bankruptcy Rule 9018, provides:

On motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information, (2) to protect any entity against scandalous or defamatory matter contained in any paper filed in a case under the Code, or (3) to protect governmental matters that are made confidential by statute or regulation. If an order is entered under this rule without notice, any entity affected thereby may move to vacate or modify the order, and after a hearing on notice the court shall determine the motion.

9. The relief sought herein is the least intrusive means of complying with the requirements of the Modified Order, achieving the goal of protecting the integrity of the

judicial process, protecting legitimate confidential commercial information, and fostering the creation of a full and fair record for the Court's adjudication of disputes. *In re 50-Off Stores*, 213 B.R. 646, 659 (Bankr. W.D. Tex. 1997) ("The sealing device permits the court to do its job fully, permitting both a full inquiry and assuring the protection of the asset the cause of action represents.).

10. The Movants submit that it is necessary to file the unredacted versions of the Reports under seal as they contain information obtained from the documents which are protected by the Modified Order. Consequently, the Movant is compelled to seek the relief requested herein.

11. Complete unredacted versions of Reports, along with all exhibits attached thereto, are being served upon: (i) counsel to the Debtors; (ii) counsel to the Official Committee of Unsecured Creditors; (iii) counsel to the Official Committee of Asbestos Property Damage Claimants; (iv) counsel to the Official Committee of Equity Security Holders; (v) counsel to David T. Austern, the Future Claimants' Representative; and (vi) counsel to the Libby Claimants.

NOTICE

12. Notice of this Motion has been given to the following parties: (i) the Office of the United States Trustee; (ii) counsel to the Debtors; (iii) counsel to the Official Committee of Unsecured Creditors; (iv) counsel to the Official Committee of Asbestos Property Damage Claimants; (v) counsel to the Official Committee of Equity Security Holders; (vi) counsel to David T. Austern, the Future Claimants' Representative; and (vii) those persons who have requested notice pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure. The

Movants submit that, in light of the nature of the relief requested, no other or further notice need be given.

NO PRIOR REQUEST

13. No previous motion to file the Reports under seal has been made to this or any other Court.

CONCLUSION

WHEREFORE, the Movant respectfully requests entry of an order authorizing, and directing the Clerk of the Court, to file under seal the unredacted versions of the Expert Rebuttal Reports of Dr. Mark Peterson and Stephen M. Snyder.

Dated: September 25, 2007

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